



# MINUTES

## BOARD OF SELECTMEN

### IN BOARD OF SELECTMEN

#### 11/01/2011

#### 6<sup>th</sup> FLOOR HEARING ROOM

Present:

#### LITIGATION

Town Counsel Jennifer Dopazo Gilbert will appear to discuss strategy relative to pending and/or threatened litigation.

#### PERSONNEL

Town Administrator Melvin Kleckner will update the Board on personnel matters.

#### ANNOUNCEMENTS

Selectmen to announce recent and/or upcoming Events of Community Interest.

tomorrow wed comonuinty foudation unsung hero to Frank Caro Schott Hilman  
George Bain 6pm arcase haevard st

Nov 4&5 senior center craft fair

first light thur 11.17 5-8 Kara Brewton updated the festivities, dedication of coppola in  
washington square. shop local campaign

teen center open house to provide safe enjoyable. great site  
[www.brooklineteencenter.org](http://www.brooklineteencenter.org)

Dress for success drive work appropriate at the public safety building Friday and  
Saturday.

Coyotee siteing town can't do much under state law, talk to state reps if you have  
concerns.

#### SELECTMEN UPDATES

Reports by individual Selectmen on activities related to carrying out the responsibilities  
of the Board.

#### PUBLIC COMMENT

Public Comment period for citizens who requested to speak to the Board regarding  
Town issues not on the Calendar.

#### FIRE CHIEF

Question of approving and executing an Employment Contract with Paul D. Ford for

[Fire Chief effective November 7, 2011 to November 6, 2014.](#)

- a. Question of appointing Paul D. Ford as Fire Chief for the Town of Brookline for a three (3) year term effective November 7, 2011 until November 6, 2014.

Town Administrator Mel Kleckner stated that he is pleased to announce that a contract agreement has been met within the Town's requirements, this evening the BOS will be asked to approve the agreement. Mel acknowledged and welcomed Mr. Ford and his family, and thanked the search committee and did a great job selecting him as Fire Chief starting next week. Jesse very thorough and lengthy endeavor thanks to the leadership of the previous Fire Chief. Large experienced applicant pool. Dick impressed with the applicant now serving as Fire Chief in a larger community, recognizes the importance of management skills with on the ground experience. Skills and attributes he brings to the job. Grateful to his family. Daly special thanks to Chief Green and Chief O'Reilly for their work in the interim. Ken Fall Rivers lose our gain. Best opportunity to recognize 9 honorees that will be honored with the State.

Voted to approve Question of approving and executing an Employment Contract with Paul D. Ford for Fire Chief effective November 7, 2011 to November 6, 2014.

- a. Question of appointing Paul D. Ford as Fire Chief for the Town of Brookline for a three (3) year term effective November 7, 2011 until November 6, 2014.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

MISCELLANEOUS

Approval of miscellaneous items pgs. licenses, vouchers, and contracts.

POLICE PERSONNEL

[Question of authorizing Chief Daniel O'Leary to hire to fill 10 vacant police officer positions from the November 2011 certified candidates list.](#)

Chief O'Leary stated that there are 12 vacancies. The last go round they waited for the list of candidates. Vacant for a variety of reasons, and these classes will be starting soon, and some competition to get into the academies.

Voted to approve Question of authorizing Chief Daniel O'Leary to hire to fill 10 vacant police officer positions from the November 2011 certified candidates list.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

BOARDS AND COMMISSIONS - INTERVIEWS

[James Batchelor candidate for reappointment to the Preservation Commission will appear for interview.](#)

Enjoys being on the commission it is an interesting commission. There are some upcoming interesting times. Have been busy with demolition cases. Would be helpful to have a full complement with a member from each historic district. Someone that has been a member not sworn in and never attended a meeting. A landscape architect would be a good fit as well.

## FY12 FIRE DEPARTMENT BUDGET

Director of Fire and EMS Services John Green will appear to update the Board on FY12 Fire Department Leave and Overtime experience.

Chief Green stated that the Fire Department is heading towards a reserve fund transfer due to exceptional high long-term sick and injury leaves. All injuries are being monitored appropriately, and making sure that the medical steps are being taken to get them well and back to work. A large portion of sick leave are due to non work related surgeries, like knee surgery. Nancy pointed out that the sick leave stem to spike on the weekends and she is perplexed that that is due to actual sick leave it indicates taking weekends off. Chief Green stated that those that have used half of their yearly sick leave have been brought in. There has been discussion with some and we have seen some improvement. We are addressing it aggressively. Ken rise in injury rate is concerning it is almost a 100% increase, are safety policies being addressed. This is an enormous increase. Chief Green replied that MGL111F is quite insipid in how you can handle job injuries. Ken if they are valid injuries there is a safety policy that should be addressed. Chief Green every injury is investigated. We look at all of this. There is no pattern right now to indicate one safety concern. Ken just wants to make sure we are improving this if we can. Any comparison between these current rates compared to other communities, are we an abnormally. Chief Green no we are not sick leave use is a wide spread problem. Dick there is a spike in the increase of injuries, the spreadsheet does not identify what's going on outside of the numbers. Are people staying out longer or are there more cases. Chief Green it does seem to run in cycles, right now a number of injuries are back injuries that required surgeries, the expected recovery time is one year. Again we do have monthly meeting with the occupational nurse. Dick more data would be helpful in sorting this out. Betsy asked the Chief for more detail, the Chief noted that in recent years a cycle has been established, the Fire Administration is aware and very concerned to make sure that we are providing the best safety measures for the firefighters. Chief Green added that the new Chief will have is plate full with other pressing matters. Mel we don't want to burden Chief Ford on the number crunching but we expect his budget and management knowledge to be helpful. Chief Green unhappy that he has to come before the Board with this. The Board thanked him for the update.

## WARRANT ARTICLES

Question of further review and voting on the following Warrant Articles for the November 15, 2011 Fall Town Meeting:

- | <u>No.</u> | <u>Art.</u>  |
|------------|--|
| <u>5.</u>  | <u>Neighborhood Conservation District (NCD) By-Law (Planning)</u>          |
| <u>6.</u>  | <u>Hancock Village NCD (Planning)</u>                                      |
| <u>9.</u>  | <u>Leaf Blowers (Fischer)</u>  |
| <u>13.</u> | <u>Resolution for Pedestrian Signal at Green/Harvard Streets (Spiegel)</u> |
| <u>15.</u> | <u>Resolution on Parks and Use by Day Care Centers (Sneider)</u>           |

Article 5- Selectman Benka said that they have heard extensive comments and the process that these articles have been going through. We all received the various committees votes in the combined reports. The AC voted Fa on both. The Subcommittee thorough and careful revision process that addressed many issues raised that improved the Article, there was a technical change incorporated.

Dick moved FA on 5&6 as amended by the AC.

Article 9 Andrew Fisher we were willing to support the amended version by Selectman

Daly, does not appear to win a FA vote. Nancy would still like to move her amended version AC has made a resolution which may be more popular. Nancy felt that this is something people can live with.

Fischer not opposed to AC resolution although feels that it lacks teeth, Article criticized that it is hypocritical because of the various exemptions, they were trying to compromise. He does not feel that the Town can be compared to the private property owner, the Town maintains public property for public use. Thanked Nancy for trying to come up with a solution to try to make the Article work. Jesse leaf blowers are noisy and bring on gases, but this has been offered a wrong solution not comfortable holding smaller property owners a social contract attempt to see if we can roll back the use and ask finding a way to reduce the use of them. Dick AC recognizes that people do perceive problems with the noise but there are legitimate uses that people use them for year round. strongly recommends that the BOS take ownership over the noise issue matter of education and enforcement on the noise bylaw not being enforced as it could or should be. DPW will include an educational piece on leaf blowers in its next newsletter pending its outcome. The Police have also committed to do some outreach and perhaps issue tickets to those not in compliance. This Article did put a spotlight on this issue. Ken tempted by the air quality message in the article AC vote does not make any mention of the air quality issue as well made a motion to include it. Stanley Spiegel said that this is the business of the federal government so they shyed away from including the language.

Nancy withdrew motion

Motion for on AC as amended by Selectmen Goldstein

Article 13 Petitioner Stanley Spiegel stated that the Transportation Board voted to send a letter to TM on #13 which states a willingness to further study ...Selectman Daly stated that the Moderator dismissed her amended version due to out of scope and suggested that it be referred, Dick happened to go along with AC language rather than get into precisely what the Board felt that the Transportation Board is going to take this up, but Nancy wanted to make it clear that this was not an inclusive to defer the subject matter you are not saying Betsy we can direct the Transportation Board more specifically at a later date. Dick thought her language was appropriate but it was rejected by the moderator. Sounds like the TB will be taking up a broader study. Stanley people who are vision impaired should not be steered away,

Article 15- Petitioner Ruthanne Snieder did not add to her article. Nancy majors concerns on the original form of the Article the AC addresses the concerns in a favorable way. Dick issue that was brought forward clearly was an issue that was festering out there, glad that it is being addressed

ac S

## MISCELLANEOUS

### [Question of approving the minutes of October 25, 2011.](#)

approved as amended

Voted to approve 13. Question of approving the minutes of October 25, 2011.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

### [Question of authorizing Town Counsel to proceed with the settlement of the dispute regarding the language of the Olmsted Hill Project Land Disposition Agreement in accordance with the agreement reached at the recent mediation.](#)

Town Counsel Jennifer Gilbert stated there was a land dispute that went into mediation. Successful in working out an agreement. Terms are that the 799k in land

sales profits will be credited to the Town. The Town will increase the subsidy to guarantee the developer his 12.5 fee, plus two items that were removed subject from receiving from a written engineer, plus cost for soil fees. There is 15k that will be credited to address some of the soil removal cost. One lot left to be sold valued at 950k. any amount over that will go to the developer. 683k will be released upon completion of the sale of the last lot etc... basic parameters. Thinks that the developer has been held in high regard from those involved in the project including the neighbors. Betsy language in the land disposition agreement and she feels it is a fair agreement. Water issues from this complicated site.

Voted to approve 14. Question of authorizing Town Counsel to proceed with the settlement of the dispute regarding the language of the Olmsted Hill Project Land Disposition Agreement in accordance with the agreement reached at the recent mediation.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

[Question of executing documentation related to the 2-4 Brookline Place environmental remediation and Activity and Use Limitations.](#)

Town Counsel Jennifer Gilbert stated that this is a request stemming from an oil release at 2bp.

Voted to approve 15. Question of executing documentation related to the 2-4 Brookline Place environmental remediation and Activity and Use Limitations.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

[Question of authorizing a lateral transfer for P.O. Derek Wennerstrand to the Norwood Police Department.](#)

Voted to approve 16. Question of authorizing a lateral transfer for P.O. Derek Wennerstrand to the Norwood Police Department.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

[Question of accepting a grant in the amount of \\$13,981.50 from the 2011 Edward Byrne Memorial Justice Assistance Grant Program. Said funds to be used for technology improvements within the Police Department.](#)

Town Council oil release at 10bp that went to another property 30 day waiting period that the Board waive two weeks of that to close out the project. They will become null and void once Childrens cleans out the site. permanent solution allows parties to move forward. Same waiver done for 10bp to have a closure on this.

Ken ? 30 day waiver gave town time to comment.

Voted to approve 17. Question of accepting a grant in the amount of \$13,981.50 from the 2011 Edward Byrne Memorial Justice Assistance Grant Program. Said funds to be used for technology improvements within the Police Department.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Chief O'Leary stated that he will look into using this for the band

Voted to approve 17. Question of accepting a grant in the amount of \$13,981.50 from the 2011 Edward Byrne Memorial Justice Assistance Grant Program. Said funds to be used for technology improvements within the Police Department.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of accepting a grant in the amount of \$2,500.00 from the Violence Against Women (VAWA) STOP Recovery Act Grant Program. Said funds to be used to document crime scenes, physical injuries of victims and any other items that may assist in the investigation of Domestic Violence crimes.

Chief O'Leary stated that this time they applied for equipment to use to upgrade the camera they use at crime scenes and to document it fast to proceed at hearing quicker.

Voted to approve 18. Question of accepting a grant in the amount of \$2,500.00 from the Violence Against Women (VAWA) STOP Recovery Act Grant Program. Said funds to be used to document crime scenes, physical injuries of victims and any other items that may assist in the investigation of Domestic Violence crimes.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of executing Contract NO. PW/12-16 "Transportation Improvement Project Hammond Street at Fire Station #6" in the amount of \$94,100.00 with Republic Intelligent Transportation Services, Inc. of Billerica. Said contract was awarded on October 4, 2011 and is funded as follows:

4904K087 6T0030	\$43,030.34
4911K058 6H0026	\$51,069.66

Voted to approve 19. Question of executing Contract NO. PW/12-16 "Transportation Improvement Project Hammond Street at Fire Station #6" in the amount of \$94,100.00 with Republic Intelligent Transportation Services, Inc. of Billerica. Said contract was awarded on October 4, 2011 and is funded as follows:

4904K087 6T0030	\$43,030.34
4911K058 6H0026	\$51,069.66

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of executing Contract No. PW/12-19 "Rental Rates for Snow Plowing and Ice Control" in the amount of \$65,928.00 with D'Allessandro Corp. of Avon. Said contract was awarded on October 25, 2011 and funded from account 42004230 52370.

Voted to approve 20. Question of executing Contract No. PW/12-19 "Rental Rates for Snow Plowing and Ice Control" in the amount of \$65,928.00 with D'Allessandro Corp. of Avon. Said contract was awarded on October 25, 2011 and funded from account 42004230 52370.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of authorizing the Town Administrator to execute a Financial Assistance Agreement with the MWRA in connection with I/I Local Financial Assistance Program Project No.WRA-P7-2-746 (Infiltration/Inflow Investigation and Sewer System Rehabilitation Design).

Voted to approve 21. Question of authorizing the Town Administrator to execute a Financial Assistance Agreement with the MWRA in connection with I/I Local Financial Assistance Program Project No.WRA-P7-2-746 (Infiltration/Inflow Investigation and Sewer System Rehabilitation Design).

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of granting a Permit to Serve Alcoholic Beverages (no-sale) to Larz Anderson Auto Museum in connection with the following events to be held at 15 Newton Street:

November 3rd Reception

5pm-10pm

November 14th Reception  
5pm-9pm

November 18th 40th Birthday Party  
6pm-11pm

Voted to approve 22. Question of granting a Permit to Serve Alcoholic Beverages (no-sale) to Larz Anderson Auto Museum in connection with the following events to be held at 15 Newton Street:

November 3rd Reception  
5pm-10pm

November 14th Reception  
5pm-9pm

November 18th 40th Birthday Party  
6pm-11pm

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of granting a temporary All Kinds of Alcoholic beverages license to Larz Anderson Auto Museum in connection with a Fundraiser to be held on November 5, 2011 from 5:30 pm - 11pm at 15 Newton Street.

Voted to approve 23. Question of granting a temporary All Kinds of Alcoholic beverages license to Larz Anderson Auto Museum in connection with a Fundraiser to be held on November 5, 2011 from 5:30 pm - 11pm at 15 Newton Street.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of authorizing the Town Administrator to execute a letter of interest for MAPC's Local Energy Action Program.

Voted to approve 24. Question of authorizing the Town Administrator to execute a letter of interest for MAPC's Local Energy Action Program.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein